

**REMARKS**

Claims 1 and 2 are under examination. Claims 3-6 are pending but have been withdrawn from consideration.

The Examiner's action dated October 4, 2002, has been received, and its contents carefully noted.

In order to advance examination, claim 1 has been amended to more clearly define the contribution of the invention over the prior art.

The rejection presented in section 3 of the action is traversed for the reason that claims 1 and 2, as now amended, are not disclosed in, and indeed are not suggested by, the teachings of the applied reference.

The present invention, as defined in claims 1 and 2 is directed to a film made of a three-dimensionally shaped plastic material containing holes. The film has an upper surface presenting a multiplicity of openings that form through holes in the direction of a lower surface of the film. Each through hole is delimited by segments of the film that have a profile with symmetrical sides converging toward the upper surface and the profile of the film segments has a semi-ellipse cross-section. As a result, each through hole tapers, from the upper surface to the lower surface, in the form of a funnel. Thus, the through holes will create a pressure differential from the top surface to the bottom surface that will generate a directional fluid motion that prevents fluid from flowing back toward the top surface. The result is that the film according to the invention has the property of attracting surface liquids and letting them pass rapidly only from the upper surface to the lower surface, while preventing liquids from flowing back in the opposite direction. Specification, page 4, lines 13-16.

In order to more clearly define the contribution of the present invention, claim 1 has been amended to specify that each through hole is completely surrounded by segments having a semi-ellipse cross-section.

Claim 2 has been amended only to correct minor typographical errors noted therein.

A film having the novel and unobvious structure now defined in claim 1 is not disclosed in either of the applied references.

Murakami discloses a topsheet composed of curved ribs 2 and ribs 3 that may also be curved. The sheet is provided with a plurality of holes 4, each bounded by two ribs 2 and two ribs 3. Particularly in view of the small height of ribs of ribs 3, these holes cannot produce the type of directional flow that is achieved with a film according to the present invention.

Claim 1 now clearly defines patentably over any reasonable interpretation of the disclosure of this reference by its recitation that each through hole is completely surrounded by segments of the film, that all of the film segments are of the same height and all have a profile with symmetrical sides extending to, and converging towards, the upper surface, as well as by the fact that the profile of the film segments has a semi-ellipse cross-section.

With regard to the latter feature, and despite any inference that can be drawn from figure 2 of the patent drawing, the fact is that nowhere in the reference patent is mention made of the exact cross-sectional shape of ribs 2. Thus, the shape shown in figure 2 appears to have been arbitrarily selected. Clearly, there is nothing in the disclosure of this reference that can be considered to suggest that the ribs 3 shown in figure 4 have a semi-ellipse cross-section.

Accordingly, it is submitted that claim 1 clearly defines patentably over this reference.

The rejection of claims 1 and 2 as being unpatentable over Curro is also respectfully traversed.

Clearly, Curro does not disclose a web composed of segments having a semi-ellipse cross-section.

In support of this rejection, the Examiner refers to figure 16 and column 23, lines 10-25 of the reference. Figure 16 illustrates a tubular forming member that is utilized to form the web and thus does not provide any

information about the configuration of the web itself.  
Column 20, lines 47-48.

Column 23, lines 10-25 simply indicate that the interconnecting members, which are not described as having a semi-ellipse cross-section, may be curvilinear along there length! Of course, the length of these members is perpendicular to the plane of the their cross-section. Thus, the portion of the specification at column 3, lines 10-25 provides no information about the cross section of the interconnecting members and it is quite clear that the drawing of this reference do not illustrate shapes that can be interpreted as semi-ellipses.

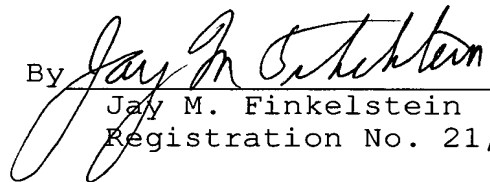
In view of the forgoing, it is requested that the prior art rejection of claims 1 and 2 be reconsidered and withdrawn, that these claims be allowed and that the application found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Jay M. Finkelstein  
Registration No. 21,082

JMF:lt

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\B\Bugr\Iulianetti 1\PTO\amendment 4MAR.03.doc